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LEGISLATIVE HISTORY

Public Law 525--78th Congress

Chapter 632--2d Session

H. R. 4918

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DIGEST OF PUBLIC LAW 525

AMENDMENTS TO ANNUAL LEAVE ACT. Provides for lump-sum payments for accumulated or accrued annual leave due to employees upon their separation from service or entry into military service, or to their estates in event of death. Provides that if such employees are reemployed in the Federal service under the same leave system prior to the expiration of the period covered by the leave payment, they shall refund to the employing agency an amount equal to the compensation covering the period between the reemployment date and expiration of such leave period.

INDEX AND SUMMARY OF HISTORY OF H. R. 4918

August 31, 1944	S. 2114 was introduced by Senator Capper and was referred to the Senate Committee on Civil Service. Print of the bill as introduced. (Companion bill).
June 1, 1944	H. R. 4918 was introduced by Rep. Iand and was referred to the House Committee on Civil Service. Print of the bill as introduced.
September 1, 1944	House Committee reported H. R. 4918 with an amendment. House Report 1836. Print of the bill as reported.
September 6, 1944	H. R. 4918 discussed and passed House as reported.
September 8, 1944	H. R. 4918 was referred to the Senate Committee on Civil Service. Print of the bill as referred.
December 4, 1944	Senate Committee reported H. R. 4918 with amendments. Senate Report 1300. Print of the bill as reported.
December 5, 1944	Amendment proposed by Senator Walsh. Print of the amendment.
December 14, 1944	H. R. 4918 discussed and passed the Senate with amendments.
December 15, 1944	House agreed to the Senate amendments.
December 21, 1944	Approved. Public Law 525.

78TH CONGRESS
2D SESSION

S. 2114

IN THE SENATE OF THE UNITED STATES

AUGUST 31 (legislative day, AUGUST 15), 1944

Mr. CAPPER introduced the following bill; which was read twice and referred to the Committee on Civil Service

A BILL

To provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That whenever any civilian officer or employee of the Fed-
4 eral Government or the government of the District of
5 Columbia is separated from the service or elects to be
6 paid compensation for leave in accordance with the Act
7 of August 1, 1941, as amended by the Act of April 7,
8 1942, or section 4 of the Act of June 23, 1943, he shall
9 be paid compensation in a lump sum for all accumulated
10 and current accrued annual or vacation leave to which he

1 is entitled under existing law. Such lump sum shall equal
2 the compensation that such employee would have received
3 had he remained in the service until the expiration of the
4 period of such annual or vacation leave: *Provided*, That if
5 such employee is reemployed in the Federal service under
6 the same leave system prior to the expiration of the period
7 covered by such leave payment, he shall refund to the
8 employing agency an amount equal to the compensation
9 covering the period between the date of reemployment
10 and the expiration of such leave period, and the amount of
11 leave represented by such refund shall be credited to him
12 in the employing agency. The sum so refunded shall be
13 covered into the Treasury as "miscellaneous receipts": *Pro-*
14 *vided further*, That the lump-sum payment herein authorized
15 shall not be regarded as salary or compensation and shall
16 not be subject to retirement deductions.

17 SEC. 2. Upon the death of any civilian officer or em-
18 ployee of the Federal Government or the government of
19 the District of Columbia compensation for all of his accumu-
20 lated and current accrued annual or vacation leave in a lump
21 sum equal to the compensation that such employee would
22 have received had he remained in the service until the expira-
23 tion of the period of such annual or vacation leave shall be
24 paid to the estate of such deceased employee.

25 SEC. 3. That all accumulated and current accrued leave

1 be liquidated by a lump-sum payment to any civilian officer
2 or employee of the Federal Government or the government
3 of the District of Columbia in cases involving transfer to
4 agencies under different leave systems. Such lump-sum pay-
5 ment shall equal the compensation that such employee would
6 have received had he not been transferred until the expira-
7 tion of the period of such leave: *Provided*, That the lump-
8 sum payment herein authorized shall not be regarded as
9 salary or compensation and shall not be subject to retirement
10 deductions.

11 SEC. 4. The provisions of sections 1 and 2 of this Act
12 shall not apply to officers and employees of the Panama
13 Canal and Panama Railroad on the Isthmus of Panama.

A BILL

To provide for the payment to certain Government employees for accumulated or accrued annual leave due upon the separation from Government service.

By Mr. Capper

August 31 (legislative day, August 15), 1944
Read twice and referred to the Committee on
Civil Service

78TH CONGRESS
2^D SESSION

H. R. 4918

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 1944

Mr. LANE introduced the following bill; which was referred to the Committee on the Civil Service

A BILL

To provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That whenever any civilian officer or employee of the Fed-
4 eral Government or the government of the District of Colum-
5 bia is separated from the service or elects to be paid
6 compensation for leave in accordance with the Act of August
7 1, 1941, as amended by the Act of April 7, 1942, or section
8 4 of the Act of June 23, 1943, he shall be paid compensation
9 in a lump sum for all accumulated and current accrued annual
10 or vacation leave to which he is entitled under existing law.

1 Such lump-sum payment shall equal the compensation that
2 such employee would have received had he remained in the
3 service until the expiration of the period of such annual or
4 vacation leave: *Provided*, That if such employee is reem-
5 ployed in the Federal service under the same leave system
6 prior to the expiration of the period covered by such leave
7 payment, he shall refund to the employing agency an amount
8 equal to the compensation covering the period between the
9 date of reemployment and the expiration of such leave period,
10 and the amount of leave represented by such refund shall be
11 credited to him in the employing agency. The sum so re-
12 funded shall be covered into the Treasury as "Miscellaneous
13 Receipts": *Provided further*, That the lump-sum payment
14 herein authorized shall not be regarded as salary or com-
15 pensation and shall not be subject to retirement deductions.

16 SEC. 2. Upon the death of any civilian officer or em-
17 ployee of the Federal Government, or the government of
18 the District of Columbia, compensation for all of his accu-
19 mulated and current accrued annual or vacation leave in a
20 lump sum equal to the compensation that such employee
21 would have received had he remained in the service until the
22 expiration of the period of such annual or vacation leave
23 shall be paid to the estate of such deceased employee.

24 SEC. 3. That all accumulated and current accrued leave
25 be liquidated by a lump-sum payment to any employee of

1 the Federal Government or the government of the District
2 of Columbia in cases involving transfer to agencies under
3 different leave systems. Such lump-sum payment shall equal
4 the compensation that such employee would have received
5 had he not been transferred until the expiration of the period
6 of such leave: *Provided*, That the lump-sum payment herein
7 authorized shall not be regarded as salary or compensation
8 and shall not be subject to retirement deductions.

9 SEC. 4. The provisions of sections 1 and 2 of this Act
10 shall not apply to officers and employees of the Panama
11 Canal and Panama Railroad on the Isthmus of Panama.

A BILL

To provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service.

By Mr. LANE

JUNE 1, 1944

Referred to the Committee on the Civil Service

LUMP-SUM PAYMENT TO GOVERNMENT EMPLOYEES FOR ACCUMULATED OR ACCRUED ANNUAL LEAVE

SEPTEMBER 1, 1944.—Committed to the Committee of the Whole House on the
state of the Union and ordered to be printed

Mr. RAMSPECK, from the Committee on the Civil Service, submitted
the following

REPORT

[To accompany H. R. 4918]

The Committee on the Civil Service to whom was referred the bill (H. R. 4918) to provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

On page 2, line 25, insert after the word "any" the following: civilian officer or".

GENERAL STATEMENT

The purpose of this bill is to authorize a lump-sum payment for accumulated annual or vacation leave due to any officer or employee of the Government when separated from the Government (or in the event of death).

At the present time there is no authority in law to pay an employee in money for such leave as may be due him upon separation from the service (17 Comp. Gen. 48, July 16, 1937). In order to receive the benefits of accumulated leave prior to separation from the Government service, the date of separation must be fixed at the expiration of such leave. Employees who are to be separated from the service therefore, must be carried on the pay roll as nominal employees until they have received salary for the period covered by the accumulated leave.

This bill would provide many benefits such as elimination of the problem of dual compensation; stop service credit on the last day of active duty; permit immediate recruitment of a successor to a separated employee; would make funds available to employees leaving the

service after the war, enabling them to return to their homes or re-establish themselves in other employment; would simplify and expedite clearance of records in closing out field installations; would eliminate considerable paper work for pay-roll sections, and would save expenses to the Government.

In the Sixtieth Annual Report of the United States Civil Service Commission (fiscal year ended June 30, 1943), page 67, paragraphs 38 and 39, under the heading of "Miscellaneous recommendations," it is stated:

38. Legislation should be enacted to permit the lump-sum payment for accrued annual leave to the estate or survivor of a deceased Federal employee.

Many Federal employees are prevented from taking annual leave because of administrative restrictions, especially during emergency periods such as war-times. It would be only equitable to provide for their families to benefit from their accumulation of leave in event of their death.

39. Employees who leave the Federal service under honorable conditions to enter military service, or for any similar reason, should be permitted to receive lump-sum payment for their accrued annual leave.

This provision would benefit the employee in most instances and would eliminate clerical work involved in the preparation and mailing of checks for those employees who have unused annual leave.



Union Calendar No. 604

78TH CONGRESS
2D SESSION

H. R. 4918

[Report No. 1836]

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 1944

Mr. LANE introduced the following bill; which was referred to the Committee on the Civil Service

SEPTEMBER 1, 1944

Reported with an amendment, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed

[Insert the part printed in italic]

A BILL

To provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That whenever any civilian officer or employee of the Fed-
- 4 eral Government or the government of the District of Colum-
- 5 bis is separated from the service or elects to be paid
- 6 compensation for leave in accordance with the Act of August
- 7 1, 1941, as amended by the Act of April 7, 1942, or section
- 8 4 of the Act of June 23, 1943, he shall be paid compensation

1 in a lump sum for all accumulated and current accrued annual
2 or vacation leave to which he is entitled under existing law.
3 Such lump-sum payment shall equal the compensation that
4 such employee would have received had he remained in the
5 service until the expiration of the period of such annual or
6 vacation leave: *Provided*, That if such employee is reem-
7 ployed in the Federal service under the same leave system
8 prior to the expiration of the period covered by such leave
9 payment, he shall refund to the employing agency an amount
10 equal to the compensation covering the period between the
11 date of reemployment and the expiration of such leave period,
12 and the amount of leave represented by such refund shall be
13 credited to him in the employing agency. The sum so re-
14 funded shall be covered into the Treasury as "Miscellaneous
15 Receipts": *Provided further*, That the lump-sum payment
16 herein authorized shall not be regarded as salary or com-
17 pensation and shall not be subject to retirement deductions.

18 SEC. 2. Upon the death of any civilian officer or em-
19 ployee of the Federal Government, or the government of
20 the District of Columbia, compensation for all of his accu-
21 mulated and current accrued annual or vacation leave in a
22 lump sum equal to the compensation that such employee
23 would have received had he remained in the service until the
24 expiration of the period of such annual or vacation leave
25 shall be paid to the estate of such deceased employee.

1 SEC. 3. That all accumulated and current accrued leave
2 be liquidated by a lump-sum payment to any *civilian officer*
3 *or* employee of the Federal Government or the government
4 of the District of Columbia in cases involving transfer to
5 agencies under different leave systems. Such lump-sum pay-
6 ment shall equal the compensation that such employee would
7 have received had he not been transferred until the ex-
8 piration of the period of such leave: *Provided*, That the
9 lump-sum payment herein authorized shall not be regarded
10 as salary or compensation and shall not be subject to retire-
11 ment deductions.

12 SEC. 4. The provisions of sections 1 and 2 of this Act
13 shall not apply to officers and employees of the Panama
14 Canal and Panama Railroad on the Isthmus of Panama.

78TH CONGRESS
2^D Session

H. R. 4918

[Report No. 1836]

A BILL

To provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service.

By Mr. LANE

JUNE 1, 1944

Referred to the Committee on the Civil Service

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United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 78th CONGRESS, SECOND SESSION

Vol. 90

WASHINGTON, WEDNESDAY, SEPTEMBER 6, 1944

No. 143

Senate

The Senate was not in session today. Its next meeting will be held on Friday, September 8, 1944, at 12 o'clock meridian.

House of Representatives

WEDNESDAY, SEPTEMBER 6, 1944

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou who art Lord of all the earth, we beseech Thee to speak to us out of the depths of Thy holy nature; and like the exile far from home, may we heed Thy welcome voice. In the name of Him who achieved great miracles when the waters were bitter and the cup was full, we ask Thy blessing of comfort upon the world's stricken multitudes, that in the darkness of their tragic suffering they may feel the breath and hear the approach of Thy coming. O hear our prayers for them and grant that they may rise as holy incense from the altar of the soul of America.

We pray for our Nation and for all who are in authority that they may be united with Thee and guided through these critical and perilous times. Grant that the dawn may speedily come to all nations, that the welfare of one may be the welfare of all. O may intelligence and virtue prevail in our own land and be reflected to those nations which are in the region of darkness and death. O be their savior; preserve them and keep them alive, that they may be blessed on earth. Clothe us all with those high and noble elements which sustain our national life, and Thine shall be the praise and glory, O Master, world without end. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 5181. An act to provide a method for compensating certain individuals for damages sustained as the result of the explosions at Port Chicago, Calif.

The message also announced that the Acting President pro tempore has appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 7, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following departments and agencies:

1. Department of Agriculture.
2. Department of Commerce.
3. Department of the Navy.
4. Post Office Department.
5. Federal Works Agency.
6. National Archives.

EXTENSION OF REMARKS

Mr. LARCADE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and include therein certain newspaper articles.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix in two particulars, to include in one an editorial from the New York Times and in the other an article written by Capt. Richard L. Neuberger.

The SPEAKER. Is there objection to the request of the Delegate from Alaska?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. BLAND. Mr. Speaker, on behalf of the gentleman from Virginia [Mr. WOODRUM], I ask unanimous consent that he be permitted to extend his remarks in the Record in two instances, to include an address before the Rotary and Kiwanis Clubs of Richmond, Va., and one before the Kiwanis Clubs of Roanoke, Va.: It is estimated by the Government Printing Office that the latter address can be printed at a cost of \$121.40.

The SPEAKER. Notwithstanding, without objection, it is so ordered.

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and include therein an editorial from the Memphis Commercial Appeal.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. WEISS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and include therein an editorial from a local newspaper.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

[The matter referred to appears in the Appendix.]

(Mr. GIBSON asked and was given permission to extend his own remarks in the Record.)

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to extend my own

remarks in the RECORD and include therein an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

[The matter referred to appears in the Appendix.]

PERMISSION TO ADDRESS THE HOUSE

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that today, at the conclusion of business on the Speaker's table and other special orders, I may address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEADERSHIP NEEDED IN THE PRESIDENCY

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SCOTT. Mr. Speaker, in the Presidency of the United States we need a man of experience.

We need a man who, in a world in turmoil, would find some use for 10,000,000 unemployed beyond leaf-raking or unproductive public works.

We need a man whose experience would warn him not to indulge in the folly of making warlike noises without prudent preparation for war.

We need the kind of alert supervision of Cabinet and department heads which one who is himself a trained and careful administrator can supply.

We need the kind of experience which would foreclose even the possibility, through negligence or willfulness, of leaving the Nation's Fleet at the mercy of a treacherous enemy, after due warning of that enemy's intentions.

We need the kind of experience which would lead a cautious executive not to squander a nation's assets in overseas donations without receiving in return, and in advance, commitments in aid of our national security and welfare sufficiently definite to warrant the action taken.

We need the homely sort of experience which holds that a nation should not put all its eggs in one basket—or in three. The French, the Dutch, the Chinese, the smaller nations, have baskets too, and we may end up without eggs—or with an omelet.

Yes; we need a man of experience for the Presidency of the United States: A man whose experience tells him that this Nation is greater than any man; a man humble enough to believe that the distinguishing mark of a true republic is that it can produce many men fit to preside over its destinies for a time, but that it cannot submit to a permanent ruler without losing its character as a republic.

Now, after 12 years, it has never been more truly said, for the salvation of the Republic we need a man of experience in the Presidency of the United States.

That, to secure such experience, we shall have to change Chief Executives by the decision of the people in November is no new thing in the history of a country where progress through change was for so long the order of the day.

(Mr. SCOTT asked and was given permission to revise and extend his remarks in the RECORD.)

PERMISSION TO ADDRESS THE HOUSE

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

WHY DESTROY THE DOMESTIC SUGAR INDUSTRY?

Mr. CRAWFORD. Mr. Speaker, on page 11 of today's New York Times there appears a photograph of Mr. LaGuardia, the "Little Flower," shaking hands with Dr. Ramond Grau San Martin, President of Cuba.

It will be interesting to Hawaiians, Puerto Ricans, and some 38 Members of the other body, to the Representatives of 19 States in this body, and millions of Americans to know that the mayor of New York City proposes again that the beet-sugar industry of the United States be destroyed. He points out that there are no quotas in a good-neighbor policy.

I wonder if Mr. LaGuardia feels that quotas should be continued in peacetime on the production of sugar in the 18 or 19 States on the continent and with Cuba and other foreign countries permitted to produce on an unlimited scale and ship into the markets of the United States, thereby affecting the markets and our own people.

The SPEAKER. The time of the gentleman has expired.

PAYMENT TO CERTAIN GOVERNMENT EMPLOYEES FOR ACCUMULATED OR ACCRUED ANNUAL LEAVE

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4918) to provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. REES of Kansas. Mr. Speaker, reserving the right to object, and I shall not object, will the gentleman explain this bill?

Mr. RAMSPECK. Mr. Speaker, this bill has been unanimously reported by the Committee on the Civil Service and it provides for the payment of accrued accumulated leave in a lump sum. Under the present procedure if an employee is separated from the service and has 30 days' leave coming to him, he must be retained on the pay roll until the 30 days expires.

This will simplify the procedure and will eliminate certain clerical work. It does have an effect on men going into the service who need this money promptly.

Mr. MCGREGOR. Mr. Speaker, reserving the right to object, does the gentleman know how many employees this will cover? How many cases similar to the one he is referring to does this affect?

Mr. RAMSPECK. It covers a great many people because the turn-over in the Government service is rather large at this time. Many of them are going into private employment, and many of them are going into the armed services. I have no estimate as to the number. It will not cost any more money to make payment in a lump sum.

Mr. MCGREGOR. If the gentleman will yield further, we had a private claim some weeks ago which was objected to on the floor of the House involving a man employed by the O. P. A. Under the law that we passed during this session he was relieved from that duty because he was not experienced. He had 30 days' time coming to him. This bill would cover that man and would give him the right to receive his money, make it legal for the department to pay him after he is off the pay roll?

Mr. RAMSPECK. It would not cover a case of that sort retroactively; no. It only covers future cases.

Mr. MCCORMACK. Mr. Speaker, reserving the right to object, this is one of two bills the gentleman spoke to myself and the gentleman from Michigan [Mr. MICHENER], the acting minority leader, about?

Mr. RAMSPECK. That is correct.

Mr. MCCORMACK. This is for the purpose of authorizing the payment of time the employees have earned on separation from the service?

Mr. RAMSPECK. That is right, time that they have not taken in many cases due to the war effort. They have not taken their leave and have foregone their vacations in some instances.

Mr. MICHENER. Mr. Speaker, reserving the right to object, as I understand it, this is a unanimous report of the committee?

Mr. RAMSPECK. That is correct.

Mr. MICHENER. And the gentleman from Kansas who has addressed the House with reference to this bill speaks for the minority.

Mr. RAMSPECK. That is correct. I consulted the gentleman from Kansas before asking the Speaker to permit me to bring it up.

Mr. MURRAY of Wisconsin. Mr. Speaker, reserving the right to object, as I understand it from the Civil Service Commission, you can only accumulate 90 days leave?

Mr. RAMSPECK. That is a law made by the Congress.

Mr. MURRAY of Wisconsin. The Civil Service Commission tells me that you can accumulate a leave based on the 90 days as well. That has been so up to this time.

Mr. RAMSPECK. There is some question, since they have kept the employee on the pay roll until his leave expires as to whether or not he accumulated additional leave during this period of 30, 60, or 90 days.

Mr. MURRAY of Wisconsin. This bill would rectify that so there will not be any question as to how many days leave he might have.

Mr. RAMSPECK. Yes.

Mr. MURRAY of Wisconsin. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That whenever any civilian officer or employee of the Federal Government or the government of the District of Columbia is separated from the service or elects to be paid compensation for leave in accordance with the act of August 1, 1941, as amended by the act of April 7, 1942, or section 4 of the act of June 23, 1943, he shall be paid compensation in a lump sum for all accumulated and current accrued annual or vacation leave to which he is entitled under existing law. Such lump-sum payment shall equal the compensation that such employee would have received had he remained in the service until the expiration of the period of such annual or vacation leave; *Provided*, That if such employee is reemployed in the Federal service under the same leave system prior to the expiration of the period covered by such leave payment, he shall refund to the employing agency an amount equal to the compensation covering the period between the date of reemployment and the expiration of such leave period, and the amount of leave represented by such refund shall be credited to him in the employing agency. The sum so refunded shall be covered into the Treasury as "Miscellaneous receipts"; *Provided further*, That the lump-sum payment herein authorized shall not be regarded as salary or compensation and shall not be subject to retirement deductions.

SEC. 2. Upon the death of any civilian officer or employee of the Federal Government, or the government of the District of Columbia, compensation for all of his accumulated and current accrued annual or vacation leave in a lump sum equal to the compensation that such employee would have received had he remained in the service until the expiration of the period of such annual or vacation leave shall be paid to the estate of such deceased employee.

SEC. 3. That all accumulated and current accrued leave be liquidated by a lump-sum payment to any employee of the Federal Government or the government of the District of Columbia in cases involving transfer to agencies under different leave systems. Such lump-sum payment shall equal the compensation that such employee would have received had he not been transferred until the expiration of the period of such leave; *Provided*, That the lump-sum payment herein authorized shall not be regarded as salary or compensation and shall not be subject to retirement deductions.

SEC. 4. The provisions of sections 1 and 2 of this act shall not apply to officers and employees of the Panama Canal and Panama Railroad on the Isthmus of Panama.

With the following committee amendment:

Page 3, line 3, after the word "any", insert "civilian officer or."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on table.

AMENDMENT OF WAR OVERTIME PAY ACT OF 1943

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 4114) to amend section 3 (b) of Public, No. 49, Seventy-eighth Congress, first session—War Overtime Pay Act of 1943.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. REES of Kansas. Mr. Speaker, reserving the right to object, and I shall not object. Will the gentleman explain the bill?

Mr. RAMSPECK. Mr. Speaker, this is another bill that was unanimously reported by the committee. It amends the pay legislation last passed by this Congress to rectify a situation which we did not foresee, and which involves about 800 employees in the Customs Service.

In the pay bill we provided that those employees who could not work longer hours, or who had irregular hours, should receive a 15-percent increase in pay for the duration, or until June 30, 1945. These particular employees work in connection with private business, inspecting imports and collecting duties. They can work only when the private concerns work. In some of our larger cities these concerns do not work on Saturdays, and therefore it has been impossible to put these particular employees on a 48-hour week regularly. Some of them work one Saturday and some another so that they average about 44 hours a week. Actually they are getting less than 15-percent increase on account of that fact, and this will give them the equivalent of 15 percent, which means an actual increase to them of about 3 percent. It puts them on a parity with other employees who work less than 48 hours a week.

Mr. MCCORMACK. Mr. Speaker, will the gentleman yield?

Mr. REES of Kansas. I yield.

Mr. MCCORMACK. This particular group received, according to the report, an increase of 10.8 percent.

Mr. RAMSPECK. That is right.

Mr. MCCORMACK. And this bill seeks to correct an unintentional inequality?

Mr. RAMSPECK. That is correct.

Mr. SPARKMAN. Mr. Speaker, will the gentleman yield?

Mr. REES of Kansas. I yield.

Mr. SPARKMAN. There are two additional groups that I should like to ask the gentleman about. One of the groups does not come under the jurisdiction of the gentleman's committee, but he just mentioned that the purpose of this legislation is to put this particular group on a parity with the others. I have reference to the post-office employees. I do not believe they come under the gentleman's committee.

Mr. RAMSPECK. They do not. They come under the Committee on the Post Office and Post Roads.

Mr. SPARKMAN. I wonder if the gentleman's attention has been called to the fact that a great many of our postal

employees are not getting the benefit of the additional pay that we voted to them for pretty much the same reason that the gentleman has given in explaining how these people were left out.

Mr. RAMSPECK. The postal employees had two pieces of legislation passed for them by this Congress. One was a flat \$300 a year temporary increase. The other was a provision similar to the bill we are now amending, which gave them pay for additional hours worked. Of course, when they do not work those additional hours, they do not get any additional pay under that particular act. They do, however, get \$300 a year.

Mr. SPARKMAN. They get the flat bonus.

Mr. RAMSPECK. Yes.

Mr. SPARKMAN. The other group that I desire to ask the gentleman about—and I am asking merely for information, for I am sure the gentleman's committee has given some thought to it—is the employees of the War Department who, I understand, have just recently been put on a 9-hour daily basis, or 54 hours a week. By virtue of lengthening their hours to 9 hours a day, they are going to get increased pay at the overtime rate; is that not true?

Mr. RAMSPECK. That is correct.

Mr. SPARKMAN. I wonder if the gentleman's committee has explored the situation to determine the necessity of a blanket application to all of the War Department employees of those lengthened hours?

Mr. RAMSPECK. I am glad the gentleman brought that up. When that order first came out, I called the personnel director of the Army Service Forces. Incidentally, it only applies in the Army Service Forces. He came to my office and we talked about it. He said the reason for the order was that they had a backlog of work that had accumulated in some of the branches of the Army Service Forces. General Somervell thought the best way to meet it was to extend the hours. He made it optional in what they call the field offices, that is, the offices outside of Washington. Only on yesterday afternoon I had about an hour's conference with this same personnel director, and they are making a study now to determine whether or not the 54-hour week should be continued or whether the backlog has been caught up. I think unquestionably that order was issued without a sufficient study being made in some cases. I think it has resulted in people not having enough work to do. Unquestionably in other places there was need for additional services, and perhaps this was the best way to meet it. That is particularly true in the casualty branch, where they were behind. We are all sorry that it was necessary that they be behind, but that is the truth. I think that within the next month the probabilities are that they will catch up with this backlog and be able to eliminate those extra hours.

Mr. DWORSHAK. Mr. Speaker, will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from Idaho.

Mr. DWORSHAK. The committee of the gentleman from Georgia several weeks ago held extensive hearings to determine the need for reducing the number of personnel on the civilian pay roll. Was any conclusion reached by the gentleman's committee indicating the need for curtailment of the Federal pay roll?

Mr. RAMSPECK. Yes. We got a net reduction of about 200,000.

Mr. DWORSHAK. A reduction over what period?

Mr. RAMSPECK. Over the period of time when we were holding those hearings; in other words, in the 3 months following July 1 of last year there was a net reduction of approximately 200,000 in civilian employment, 135,000 of which came in the Army Service Forces. I think General Somervell is entitled to credit for having made that reduction.

Mr. DWORSHAK. The gentleman is also aware, however, that during the first 6 months of the current calendar year there was a net increase of about 90,000 in the civilian pay roll?

Mr. RAMSPECK. There has been a net increase of approximately that amount.

Mr. DWORSHAK. How is that accounted for?

Mr. RAMSPECK. It is largely in the Army and Navy. The Army accounts for it by the expanded operations incident to the invasion of France and to the expanded needs in the casualty branch and in other branches of the Army, and the same reasons apply in the Navy.

Mr. DWORSHAK. The June report of the United States Civil Service Commission indicated there was a total on June 30 of about 3,300,000 civilian employees, both inside the country and in the Canal Zone and in Alaska. Does that figure reflect any curtailment?

Mr. RAMSPECK. I think the gentleman's figures are a little high.

Mr. DWORSHAK. That is the report of the Civil Service Commission as of June 30.

Mr. RAMSPECK. That is not my recollection of it. I think the paid employees numbered about 2,850,000.

Mr. DWORSHAK. That is in this country, but when you add those in the Canal Zone and Alaska the total figure is 3,300,000. That is the report of the United States Civil Service Commission.

Mr. RAMSPECK. The fact remains that the Committee on the Civil Service checked the increase which was going on at the rate of 100,000 per month. We got a net reduction of 200,000, and we are continuing in every way we can to try to hold down the number of employees and to secure further reductions.

Mr. DWORSHAK. However, there has been a subsequent increase of 90,000 which probably has been limited only by the inability of recruitment to fill the requirements of the various agencies.

Mr. RAMSPECK. I do not agree with the gentleman's conclusions. I am not going to put myself in the position of saying to the Army and the Navy, "My judgment is superior to yours as to what you need to carry on this war." We are checking them wherever we can.

Mr. DWORSHAK. All these increases were not confined to the Army and Navy Departments, according to this report.

Mr. RAMSPECK. Most of them were. Mr. DWORSHAK. Not a majority of them.

Mr. REES of Kansas. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 (b) of the War Overtime Pay Act of 1943 (Public, 49, 78th Cong.) is hereby amended to read as follows:

"Any officer or employee to whom this act applies and who is entitled to no additional compensation under subsection (a) or subsection (c) for a pay period shall be paid for such pay period, in lieu of overtime compensation under section 2, additional compensation at the rate of (1) \$300 per annum if his earned basic compensation is less than \$2,000 per annum, or (2) 15 percent of so much of his earned basic compensation as is not in excess of \$2,900 per annum if his earned basic compensation is at the rate of \$2,000 per annum or more, unless his overtime compensation under section 2 for such pay period is at least equal to such additional compensation."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BULWINKLE. Mr. Speaker, apropos of what my friend the gentleman from Pennsylvania said just now, I call the attention of the Members to the fact that last night the majority leader on the Forum of the Air made this statement, taking it from the Federalist, and quoting Mr. Alexander Hamilton:

Without supposing the personal essentiality of the man, it is evident that a change of the Chief Magistrate, at the breaking out of a war, or at any similar crisis, for another, even of equal merit, would at all times be detrimental to the community, inasmuch as it would substitute inexperience to experience, and would tend to unhinge and set afloat the already settled train of the administration.

THE LATE DR. J. RION McKISSICK

Mr. BRYSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BRYSON. Mr. Speaker, in the passing of Dr. J. Rion McKissick, president of the University of South Carolina, not only our State, but the entire Nation has lost an outstanding citizen. Dr. McKissick was a native of my district, having been born in Union County, the son of Isaac Going McKissick and Sara Foster McKissick.

With the exception of such time as was spent in furthering his formal education, President McKissick gave his entire life to the service of his native State. For years the press felt the good influence of the scholarly work contributed to it through Mr. Kissick as a reporter, editor, and publisher of my home-town newspapers. As great as was the influence in the field of journalism of this accomplished gentleman, even greater was his service to public education. The University of South Carolina has for approximately a century and a half stood high among the great educational institutions of our country. Steady hands have steered our alma mater through the turbulent past. Among the leaders presiding over this historic institution, none were greater than Dr. McKissick. His scholarly attainments placed him at the forefront of our educational leaders while his friendly manners, sympathetic desires, and pleasing personality were always an inspiration to young men and women coming under his helpful influence.

The teachers of the country, as custodians of the moral and intellectual lives of our children, occupy extremely important positions.

The successful completion of Dr. McKissick's work affords an opportunity to acknowledge our indebtedness to him and his fellow teachers of America, who have so unselfishly devoted their lives to the task of striking the shackles of ignorance that hinder the progress of our people.

Having had the privilege of knowing Dr. McKissick personally and to have profited by his fine example, I take this opportunity to say this humble word of tribute. Following are appropriate editorials and news items:

[From the Spartanburg Herald]

RION McKISSICK

People of Spartanburg and the Piedmont section will especially regret the passing of the president of the University of South Carolina, Rion McKissick, for he was in many ways a product of this section. He was well known here, being a kinsman of Dr. Webb Thompson and Mr. H. B. Carlisle of this city.

He was born in Union County, served for a while as a reporter of Union newspapers, was editor of the Greenville News, and was later editor of the Greenville Piedmont, of which he was majority stockholder. It was while he was editor of this last-named newspaper that he accepted the position as dean of the school of journalism at his alma mater, the University of South Carolina.

William Arthur Sheppard, author of Red Shirts Remembered, and an acquaintance of many years, says this of him:

"Intimate friends of Rion McKissick were aware of his profound love for South Carolina. Thirty years ago he encouraged men and women of the State to collect historical minutiae as hobbies, and these collections have grown into valuable deposits that have shaped the works of historians in many parts of the world. He did this work quietly, as he was almost wholly devoid of showmanship, but his contribution to the written record of the State cannot be estimated. I have no doubt that the library of South Caroliniana on the campus of the University of South Carolina was one result of his efforts to preserve historical material about South Carolina, and I say this without any desire to detract from the efforts of the late Yates Snowden and Dr. Robert L. Meriwether."

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78TH CONGRESS
2D SESSION

H. R. 4918

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8 (legislative day, SEPTEMBER 1), 1944

Read twice and referred to the Committee on Civil Service

AN ACT

To provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That whenever any civilian officer or employee of the Fed-
4 eral Government or the government of the District of Colum-
5 bia is separated from the service or elects to be paid
6 compensation for leave in accordance with the Act of August
7 1, 1941, as amended by the Act of April 7, 1942, or section
8 4 of the Act of June 23, 1943, he shall be paid compensation
9 in a lump sum for all accumulated and current accrued annual
10 or vacation leave to which he is entitled under existing law.

1 Such lump-sum payment shall equal the compensation that
2 such employee would have received had he remained in the
3 service until the expiration of the period of such annual or
4 vacation leave: *Provided*, That if such employee is reem-
5 ployed in the Federal service under the same leave system
6 prior to the expiration of the period covered by such leave
7 payment, he shall refund to the employing agency an amount
8 equal to the compensation covering the period between the
9 date of reemployment and the expiration of such leave period,
10 and the amount of leave represented by such refund shall be
11 credited to him in the employing agency. The sum so re-
12 funded shall be covered into the Treasury as "Miscellaneous
13 Receipts": *Provided further*, That the lump-sum payment
14 herein authorized shall not be regarded as salary or com-
15 pensation and shall not be subject to retirement deductions.

16 SEC. 2. Upon the death of any civilian officer or em-
17 ployee of the Federal Government, or the government of
18 the District of Columbia, compensation for all of his accu-
19 mulated and current accrued annual or vacation leave in a
20 lump sum equal to the compensation that such employee
21 would have received had he remained in the service until the
22 expiration of the period of such annual or vacation leave
23 shall be paid to the estate of such deceased employee.

24 SEC. 3. That all accumulated and current accrued leave
25 be liquidated by a lump-sum payment to any civilian officer

1 or employee of the Federal Government or the government
2 of the District of Columbia in cases involving transfer to
3 agencies under different leave systems. Such lump-sum pay-
4 ment shall equal the compensation that such employee would
5 have received had he not been transferred until the ex-
6 piration of the period of such leave: *Provided*, That the
7 lump-sum payment herein authorized shall not be regarded
8 as salary or compensation and shall not be subject to retire-
9 ment deductions.

10 SEC. 4. The provisions of sections 1 and 2 of this Act
11 shall not apply to officers and employees of the Panama
12 Canal and Panama Railroad on the Isthmus of Panama.

Passed the House of Representatives September 6, 1944.

Attest:

SOUTH TRIMBLE,

Clerk.

AN ACT

To provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service.

SEPTEMBER 8 (legislative day, SEPTEMBER 1), 1944
Read twice and referred to the Committee on
Civil Service

LUMP SUM PAYMENT TO GOVERNMENT EMPLOYEES
FOR ACCUMULATED OR ACCRUED ANNUAL LEAVE

DECEMBER 4 (legislative day, NOVEMBER 21), 1944.—Ordered to be printed

Mr. DOWNEY, from the Committee on Civil Service, submitted the
following

REPORT

[To accompany H. R. 4918]

The Committee on Civil Service, to whom was referred the bill (H. R. 4918) to provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The purpose of the bill is to provide for a lump-sum payment for accumulated or accrued annual or vacation leave due to any officer or employee of the Government in the event of his separation from the service. Under existing law a separated employee can be compensated for accumulated and accrued leave only by being retained on the pay roll until he has received salary covered by the period of such leave.

The first section of the bill provides for payment to the separated employee equal to the compensation which he would have received had he remained in the service until the expiration of the period of his accumulated and accrued leave. In the event an employee who has received a lump-sum payment under the bill becomes reemployed in the Government service prior to the expiration of his leave period, he would be required, under the provisions of the bill, to refund to the Government an amount equal to the compensation covering the period between the date of reemployment and the expiration of such leave period.

Section 2 of the bill makes provision for making payment for accumulated and accrued annual leave to the estates of deceased employees.

Under section 3 provision is made for payment in the case of employees transferring to positions under different leave systems. In

the past such payments have been prevented by the prohibition against receiving dual compensation.

The provisions of the bill will in many cases provide needed financial assistance to separated employees in returning to their homes and reestablishing themselves in other employment. In addition, the bill would provide other benefits, such as elimination of the problem of dual compensation; stop service credit on the last day of active duty; permit the immediate filling of vacancies due to the separation of employees; and would eliminate much time-consuming paper work and pay-roll sections, with a resulting saving of expenses to the Government.

The bill as passed by the House provided that lump-sum payments to employees thereunder should not be regarded as salary or compensation and should not be subject to retirement deductions. The committee recommends that this provision be amended where it appears in sections 1 and 3 so as to make it clear that it is not intended to exempt such payment from taxation.

The enactment of this legislation has been recommended by the Civil Service Commission.



Calendar No. 1318

78TH CONGRESS
2D SESSION

H. R. 4918

[Report No. 1300]

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8 (legislative day, SEPTEMBER 1), 1944

Read twice and referred to the Committee on Civil Service

DECEMBER 4 (legislative day, NOVEMBER 21), 1944

Reported by Mr. DOWNEY, with amendments

[Insert the part printed in italic]

AN ACT

To provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That whenever any civilian officer or employee of the Fed-
4 eral Government or the government of the District of Colum-
5 bia is separated from the service or elects to be paid
6 compensation for leave in accordance with the Act of August
7 1, 1941, as amended by the Act of April 7, 1942, or section
8 4 of the Act of June 23, 1943, he shall be paid compensation
9 in a lump sum for all accumulated and current accrued annual

1 or vacation leave to which he is entitled under existing law.
2 Such lump-sum payment shall equal the compensation that
3 such employee would have received had he remained in the
4 service until the expiration of the period of such annual or
5 vacation leave: *Provided*, That if such employee is reem-
6 ployed in the Federal service under the same leave system
7 prior to the expiration of the period covered by such leave
8 payment, he shall refund to the employing agency an amount
9 equal to the compensation covering the period between the
10 date of reemployment and the expiration of such leave period,
11 and the amount of leave represented by such refund shall be
12 credited to him in the employing agency. The sum so re-
13 funded shall be covered into the Treasury as "Miscellaneous
14 receipts": *Provided further*, That the lump-sum payment
15 herein authorized shall not be regarded, *except for purposes*
16 *of taxation*, as salary or compensation and shall not be sub-
17 ject to retirement deductions.

18 SEC. 2. Upon the death of any civilian officer or em-
19 ployee of the Federal Government, or the government of
20 the District of Columbia, compensation for all of his accu-
21 mulated and current accrued annual or vacation leave in a
22 lump sum equal to the compensation that such employee
23 would have received had he remained in the service until the
24 expiration of the period of such annual or vacation leave
25 shall be paid to the estate of such deceased employee.

1 SEC. 3. That all accumulated and current accrued leave
2 be liquidated by a lump-sum payment to any civilian officer
3 or employee of the Federal Government or the government
4 of the District of Columbia in cases involving transfer to
5 agencies under different leave systems. Such lump-sum pay-
6 ment shall equal the compensation that such employee would
7 have received had he not been transferred until the ex-
8 piration of the period of such leave: *Provided*, That the
9 lump-sum payment herein authorized shall not be regarded,
10 *except for purposes of taxation*, as salary or compensation
11 and shall not be subject to retirement deductions.

12 SEC. 4. The provisions of sections 1 and 2 of this Act
13 shall not apply to officers and employees of the Panama
14 Canal and Panama Railroad on the Isthmus of Panama.

Passed the House of Representatives September 6, 1944.

Attest:

SOUTH TRIMBLE,

Clerk.

78TH CONGRESS
2^D Session

H. R. 4918

[Report No. 1300]

AN ACT

To provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service.

SEPTEMBER 8 (legislative day, SEPTEMBER 1), 1944

Read twice and referred to the Committee on
Civil Service

DECEMBER 4 (legislative day, NOVEMBER 21), 1944

Reported with amendments



H. R. 4918

IN THE SENATE OF THE UNITED STATES

DECEMBER 5 (legislative day, NOVEMBER 21), 1944

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. WALSH of Massachusetts to the bill (H. R. 4918) to provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service, viz:

1 On page 2, section 2, strike out line 25 and insert in lieu
2 thereof the following: "shall be paid, upon the establishment
3 of a valid claim therefor, in the following order of precedence:

4 "First, to the beneficiary or beneficiaries designated in
5 writing by such employee and filed with the employing
6 agency;

7 "Second, if there be no such designated beneficiary, to
8 the estate of such deceased employee."

AMENDMENT

Intended to be proposed by Mr. WALSH of Massachusetts to the bill (H. R. 4918) to provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service.

DECEMBER 5 (legislative day, NOVEMBER 21), 1944

Ordered to lie on the table and to be printed

under the remaining provisions of such act, as amended, if he files such claim within 6 months from date of the approval of this act: *Provided*, That no benefit shall accrue prior to the approval of this act.

ELSIE HAWKE

The bill (H. R. 3584) for the relief of Elsie Hawke was considered, ordered to a third reading, read the third time, and passed.

F. L. GAUSE AND THE LEGAL GUARDIAN OF ROSALIND AND HELEN GAUSE, MINORS

The Senate proceeded to consider the bill (H. R. 3996) for the relief of F. L. Gause and the legal guardian of Rosalind and Helen Gause, minors, which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the words "sum of", to strike out "\$10,000" and insert "\$7,120.65"; and in line 9, after the words "sum of", to strike out "\$12,500" and insert "\$6,000."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

A. L. RINKENBERGER AND JOHN FLOORING

The Senate proceeded to consider the bill (H. R. 2066) for the relief of A. L. Rinkenger and John Flooring which had been reported from the Committee on Claims, with amendments on page 1, line 6, after the words "sum of", to strike out "\$5,000" and insert "\$2,500"; and in line 7, after the words "sum of", to strike out "\$10,000" and insert "\$7,500."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MR. AND MRS. SEBASTIAN EGER

The Senate proceeded to consider the bill (H. R. 976) for the relief of Mr. and Mrs. Sebastian Eger which had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of" to strike out "\$2,000" and insert "\$1,000."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

KELLY HOBBS

The bill (H. R. 4125) for the relief of Kelly Hobbs was considered, ordered to a third reading, read the third time, and passed.

HENRY STOVALL

The bill (H. R. 1772) for the relief of Henry Stovall was considered, ordered to a third reading, read the third time, and passed.

G. F. ODOM

The bill (H. R. 545) for the relief of G. F. Odom was considered, ordered to a third reading, read the third time, and passed.

RECOGNITION OF OUTSTANDING SERVICE RENDERED BY FIELD MARSHAL SIR JOHN DILL

The joint resolution (S. J. Res. 158) recognizing the outstanding service rendered to the United Nations by Field Marshal Sir John Dill was announced as next in order.

The VICE PRESIDENT. The Chair will state that an identical joint resolution of the House is now pending before the Foreign Relations Committee, House Joint Resolution 317. Without objection, that committee will be discharged from further consideration of the joint resolution, and, without objection, House Joint Resolution 317 is passed, and the Senate joint resolution will be indefinitely postponed.

ESTATE OF EVERETT MAXWELL

The bill (H. R. 4674) for the relief of the estate of Everett Maxwell was considered, ordered to a third reading, read the third time, and passed.

ROSA LEE FOREMAN

The bill (H. R. 4309) for the relief of Rosa Lee Foreman was considered, ordered to a third read, read the third time, and passed.

EMPLOYEES OF THE UNITED STATES COURT FOR CHINA

The bill (H. R. 4080) for the relief of certain former employees of the United States Court for China was considered, ordered to a third reading, read the third time, and passed.

MRS. WILLIAM M. WATSON AND R. H. PRICE

The bill (H. R. 3323) for the relief of Mrs. William M. Watson and R. H. Price was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF EMMA B. FLEET

The bill (H. R. 4878) for the relief of the estate of Emma B. Fleet, deceased, was considered, ordered to a third reading, read the third time, and passed.

WILLIAM WEBER

The bill (H. R. 4200) for the relief of William Weber was considered, ordered to a third reading, read the third time, and passed.

MRS. FLORENCE ARMSTRONG

The bill (H. R. 4331) for the relief of Mrs. Florence Armstrong was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF FRANCIS A. COLLINS

The bill (H. R. 5034) for the relief of the estate of Francis A. Collins was considered, ordered to a third reading, read the third time, and passed.

BOARD OF COUNTY COMMISSIONERS OF VOLUSIA COUNTY, FLA.

The bill (H. R. 4815) for the relief of the Board of County Commissioners of Volusia County, Fla., was considered, ordered to a third reading, read the third time, and passed.

WILFRED T. PLANT, SR.

The bill (H. R. 4817) for the relief of Wilfred T. Plant, Sr., was considered, or-

dered to a third reading, read the third time, and passed.

MRS. ROSE POISSON

The bill (H. R. 3285) for the relief of Mrs. Rose Poisson, was considered, ordered to a third reading, read the third time, and passed.

MRS. ANNA CHANDLER

The bill (H. R. 3881) for the relief of Mrs. Anna Chandler, was considered, ordered to a third reading, read the third time, and passed.

HENRY CLAY WALKER

The bill (H. R. 4305) for the relief of Henry Clay Walker, was considered, ordered to a third reading, read the third time, and passed.

EXTENSION OF REISSUED LETTERS PATENT NO. 19,023

The bill (H. R. 2994) to extend Reissued Letters Patent No. 19,023, was considered, ordered to a third reading, read the third time, and passed.

IRA CANNON

The bill (H. R. 4105) for the relief of Ira Cannon was considered, ordered to a third reading, read the third time, and passed.

WASHINGTON ASPHALT CO.

The bill (H. R. 2903) for the relief of Washington Asphalt Co., was considered, ordered to a third reading, read the third time, and passed.

O. S. STAPLEY CO.

The bill (H. R. 3852) for the relief of the O. S. Stapley Co., was considered, ordered to a third reading, read the third time, and passed.

F. L. RIDDLE

The bill (H. R. 1218) for the relief of F. L. Riddle was considered, ordered to a third reading, read the third time, and passed.

JOHN CASEY AND MARIE CASEY

The bill (H. R. 4016) for the relief of John Casey and Marie Casey was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF IDA M. RUTHERFORD

The bill (H. R. 2827) for the relief of the estate of Ida M. Rutherford was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF ANNIE BROWN

The bill (H. R. 4703) for the relief of the estate of Annie Brown was considered, ordered to a third reading, read the third time, and passed.

LEGAL GUARDIAN OF VIOLET DEGROOT

The bill (H. R. 3727) for the relief of the legal guardian of Violet DeGroot was considered, ordered to a third reading, read the third time, and passed.

ALBERT B. WEAVER

The bill (H. R. 4442) for the relief of Albert B. Weaver was considered, ordered to a third reading, read the third time, and passed.

CLARENCE G. DOELLING

The bill (H. R. 3279) for the relief of Clarence G. Doelling was considered, ordered to a third reading, read the third time, and passed.

CITY AND COUNTY OF SAN FRANCISCO

The bill (H. R. 3590) for the relief of the city and county of San Francisco was considered, ordered to a third reading, read the third time, and passed.

ARCHIE BERBERIAN

The bill (H. R. 3465) for the relief of Archie Berberian was considered, ordered to a third reading, read the third time, and passed.

MABELLE E. OLIVE

The bill (H. R. 4380) for the relief of Mabelle E. Olive was considered, ordered to a third reading, read the third time, and passed.

CLYDE H. PALMER

The bill (H. R. 5060) for the relief of Clyde H. Palmer was considered, ordered to a third reading, read the third time, and passed.

MRS. RUBY WINSCH

The bill (H. R. 4014) for the relief of Mrs. Ruby Winsch was considered, ordered to a third reading, read the third time, and passed.

HUBERT McMAHON

The bill (H. R. 3017) for the relief of Hubert McMahon, was considered, ordered to a third reading, read the third time, and passed.

FLOYD E. AND LENA MAE DRUMMOND

The bill (H. R. 3678) for the relief of Floyd E. and Lena Mae Drummond, was considered, ordered to a third reading, read the third time, and passed.

ACCOUNTS OF CLERKS AND MARSHALS OF UNITED STATES COURTS

The bill (H. R. 2969) to establish official checking accounts with the Treasurer of the United States for clerks of United States courts and United States marshals, was considered, ordered to a third reading, read the third time, and passed.

TRANSFER OF CERTAIN LAND FROM VETERANS ADMINISTRATION TO CITY OF LOS ANGELES, CALIF.

The bill (S. 2185) to authorize the Administrator of Veterans' Affairs to transfer by quitclaim deed to the city of Los Angeles, Calif., for fire-station purposes, the title to certain land located at Veterans Administration facility, Los Angeles, Calif., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to transfer by quitclaim deed to the city of Los Angeles, State of California, the property hereinafter described and located at the Veterans' Administration facility, Los Angeles, Calif., subject to the conditions that the property shall be used for fire-station purposes and that 24 hours' fire protection be furnished to all accessible parts of the Veterans Administration facility, Los Angeles, Calif., without charge:

That portion of lot 2, block 23, subdivision of Rancho San Jose De Buenos Ayres, as per map recorded in book 26, pages 19 to 25, inclusive, Miscellaneous Records of Los Angeles County, bounded and described as follows:

Beginning at a point in the northeasterly line of Veteran Avenue, formerly Lookout Avenue, as described in deed recorded in book 5162, page 231, of deeds, records of said county, distant thereon eighteen feet northwesterly from the northerly line of that certain twenty-foot strip of land conveyed to the county of Los Angeles for drainage purposes, described in parcel 1 of deed recorded in book 7376, page 225, Official Records of said county, said point of beginning being distant along said northeasterly line of Veteran Avenue northwesterly seven hundred and thirty-three and eighty-five one-hundredths feet from the northwesterly line of Wilshire Boulevard, one hundred feet wide; thence northwesterly along said northeasterly line one hundred feet; thence northeasterly at right angles to said northeasterly line one hundred and fifty feet; thence southeasterly parallel with said northeasterly line of Veteran Avenue one hundred feet; thence southwesterly in a direct line one hundred and fifty feet to the point of beginning; containing three hundred and forty-four one-thousandths acre, more or less.

The deed authorized by this act shall contain the express reservation that should the city of Los Angeles, Calif., either fail to use the property for fire-station purposes or furnish twenty-four hours' fire protection to all accessible parts of the Veterans' Administration facility, Los Angeles, Calif., then all right, title, and interest in such property shall revert to and vest in and become the property of the United States, except in the event that such failure to so furnish fire protection is temporary and is due to conditions beyond the control of the city of Los Angeles. The deed shall further provide that in the event that all right, title, and interest in such property so revert to and vest in the United States, the city of Los Angeles may remove the buildings and structures then existing on such property upon condition that said city of Los Angeles restore the land as nearly as possible to its former condition without expense to the United States.

CONVEYANCE OF CERTAIN EASEMENTS TO CHESAPEAKE & OHIO RAILWAY

The bill (H. R. 5453) authorizing the conveyance by the Secretary of the Interior to the Chesapeake & Ohio Railway Co., a railroad corporation, of certain perpetual easements near Afton, in Augusta and Nelson Counties, Va., being a portion of the Blue Ridge Parkway land of the Shenandoah National Park, was considered, ordered to a third reading, read the third time, and passed.

LUMP SUM PAYMENT TO GOVERNMENT EMPLOYEES FOR ACCRUED ANNUAL LEAVE

The Senate proceeded to consider the bill (H. R. 4918) to provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service, which had been reported from the Committee on Civil Service with amendments.

The first amendment was in section 1, on page 2, line 15, after the word "regarded", to insert "except for purposes of taxation."

The amendment was agreed to.

The next amendment was in section 3, on page 3, line 9, after the word "regard-

ed", to insert "except for purposes of taxation."

The amendment was agreed to.

Mr. WALSH. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment offered by the Senator from Massachusetts will be stated.

The CHIEF CLERK. In section 2, on page 2, at the end of line 24, it is proposed to insert "shall be paid, upon the establishment of a valid claim therefor, in the following order of precedence: First, to the beneficiary or beneficiaries, if any, lawfully designated by the employee under the retirement act applicable to his service; second, if there be no such designated beneficiary, to the estate of such deceased employee."

Mr. WALSH. Mr. President, I have conferred with the Senator from California [Mr. Downey] and he has no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. Walsh].

The amendment was agreed to.

Mr. DOWNEY. Mr. President, I wish to offer several perfecting amendments to the bill so as to have the terms of the bill apply to employees of the District of Columbia.

The VICE PRESIDENT. The first amendment offered by the Senator from California will be stated.

The CHIEF CLERK. In section 1, on page 2, line 6, after the word "service" it is proposed to insert "or in or under the Government of the District of Columbia."

The amendment was agreed to.

The VICE PRESIDENT. The next amendment offered by the Senator from California will be stated.

The CHIEF CLERK. In section 1, on page 2, following the period in line 12, it is proposed to strike out "The" and insert "in the case of reemployment in the Federal service the."

The amendment was agreed to.

The VICE PRESIDENT. The next amendment offered by the Senator from California will be stated.

The CHIEF CLERK. In section 1, on page 2, line 14, after the word "receipts" it is proposed to insert a comma and the words "and in case of reemployment in or under the Government of the District of Columbia the sum so refunded shall be covered into the Treasury to the credit of the District of Columbia."

The amendment was agreed to.

Mr. TAFT. Mr. President, will the Senator explain exactly what the bill does? It has some relation to the program which we considered for unemployment compensation for Federal employees, which was discussed in the conference committee.

Mr. DOWNEY. No. I can say to the distinguished Senator that the bill merely provides a method by which accrued leave compensation may be paid to Government employees upon their discharge from the civil service. The report is very brief. If the Senator de-

sires to have it read, I shall be glad to read it. It is entirely explanatory.

Mr. TAFT. I should like to know what the bill provides for employees that they do not now receive.

Mr. DOWNEY. It merely means that they will receive in a lump sum upon their discharge from the civil service any payment which is due them because of accruals, or because of not having taken vacations. Does the Senator wish to have the report read? It is very brief.

Mr. TAFT. Am I to understand that today if an employee is discharged, and has accumulated leave, he is permitted to remain on the pay roll for 3 or 4 weeks until he is paid?

Mr. DOWNEY. That is correct.

Mr. TAFT. Without performing any service?

Mr. DOWNEY. That is correct.

Mr. TAFT. Would this bill merely provide that in cases in which a discharge occurs, the money due him may be paid in a lump sum?

Mr. DOWNEY. That is correct. I will say to the distinguished Senator that it would cost the Government not 1 cent more.

Mr. TAFT. Is that the only purpose of the bill?

Mr. DOWNEY. That is its only purpose.

Mr. BURTON. Mr. President, I understand that there is also a benefit in connection with the death of an employee. The bill would enable the estate to collect a lump sum, which is, of course, a matter of convenience.

Mr. DOWNEY. That is correct.

The VICE PRESIDENT. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BURTON. Mr. President, I should like to ask the Senator from California if he will have placed in the RECORD, immediately following the discussion, the report of the committee, inasmuch as the printed report has not been placed on the desks of Senators.

Mr. DOWNEY. In accordance with the request of the Senator from Ohio, I send to the desk the report on the bill just passed, and ask that it be printed in the RECORD at this point.

There being no objection, the report (No. 1300) was ordered to be printed in the RECORD, as follows:

The Committee on Civil Service, to whom was referred the bill (H. R. 4918) to provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The purpose of the bill is to provide for a lump-sum payment for accumulated or accrued annual or vacation leave due to any officer or employee of the Government in the event of his separation from the service. Under existing law a separated employee can be compensated for accumulated and accrued leave only by being retained on the pay roll until he has received salary covered by the period of such leave.

The first section of the bill provides for payment to the separated employee equal to the compensation which he would have received had he remained in the service until the expiration of the period of his accumulated and accrued leave. In the event an employee who has received a lump-sum payment under the bill becomes reemployed in the Government service prior to the expiration of his leave period, he would be required, under the provisions of the bill, to refund to the Government an amount equal to the compensation covering the period between the date of reemployment and the expiration of such leave period.

Section 2 of the bill makes provision for making payment for accumulated and accrued annual leave to the estates of deceased employees.

Under section 3 provision is made for payment in the case of employees transferring to positions under different leave systems. In the past such payments have been prevented by the prohibition against receiving dual compensation.

The provisions of the bill will in many cases provide needed financial assistance to separated employees in returning to their homes and reestablishing themselves in other employment. In addition, the bill would provide other benefits, such as elimination of the problem of dual compensation; stop service credit on the last day of active duty; permit the immediate filling of vacancies due to the separation of employees; and would eliminate much time-consuming paper work and pay-roll sections, with a resulting saving of expenses to the Government.

The bill as passed by the House provided that lump-sum payments to employees thereunder should not be regarded as salary or compensation and should not be subject to retirement deductions. The committee recommends that this provision be amended where it appears in sections 1 and 3 so as to make it clear that it is not intended to exempt such payment from taxation.

The enactment of this legislation has been recommended by the Civil Service Commission.

HEALTH PROGRAMS FOR GOVERNMENT EMPLOYEES

The Senate proceeded to consider the bill (S. 2201) to provide health programs for Government employees.

Mr. DOWNEY. Mr. President, I send to the desk a perfecting amendment which I wish to offer, and ask that it be stated.

The VICE PRESIDENT. The amendment offered by the Senator from California will be stated.

The CHIEF CLERK. On page 2, after the period in line 16, it is proposed to insert the following:

Wherever the professional services of physicians are authorized to be utilized under this act, the definition of physician contained in the act of September 7, 1916, as amended (U. S. C., 1940 ed., title 5, ch. 15, sec. 790), shall be applicable.

Mr. REED. Mr. President, let the bill go over.

Mr. DOWNEY. Mr. President, will the Senator withhold his objection for a moment?

Mr. REED. Very well.

Mr. DOWNEY. Let me say to the Senator that this is merely a perfecting amendment which defines the word "physician" as used in the bill.

Mr. REED. A hasty glance at the bill and the report of the committee indicates that it is of such a character as to

require more discussion than is possible under these circumstances, and that it ought not to be passed on the call of the calendar.

Mr. DOWNEY. Let me say to the distinguished Senator that this amendment merely defines the word "physician" in the bill. It is a perfecting amendment.

Mr. REED. I have no objection to the Senator offering perfecting amendments. When they shall have been disposed of, however, I think the bill should go over.

Mr. DOWNEY. If the Senator will further withhold his objection, I should like to read the report on the bill. It is very brief.

Mr. REED. I have read it.

Mr. DOWNEY. No objection has been raised to the bill. It is acceptable to the physicians' societies, and all the civil service groups want it. The Civil Service Commission and other Government agencies favor it. All the bill provides is an authorization so that if Congress makes the appropriation, emergency dental care and emergency physical care may be provided in the various Governmental agencies, just as in the Senate we have a physician who provides a certain degree of medical attention. The bill would authorize such medical attention to be requested of Congress by the various agencies, but nothing could be done until an appropriation was made by Congress. So far as I am aware there is no objection to the bill from any source. It was favorably reported from our committee by unanimous vote. Under those conditions, I wonder if the Senator can see fit to withdraw his objection.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. TAFT. Mr. President, I object.

Mr. REED. Mr. President, I did not withdraw my objection. The Senator from California has introduced a bill authorizing "the heads of departments and agencies, * * * within the limits of appropriations made available therefor, to establish by contract or otherwise health programs which will provide health services for employees under their respective jurisdictions." If that is not a rather sweeping measure, I do not know what one would be. Certainly it should receive more consideration than it can receive during the call of the calendar, when we are proceeding under the 5-minute rule. So, Mr. President, I maintain my objection.

Mr. DOWNEY. Mr. President, at this time I desire to read the very short report which accompanies the bill. It is Report No. 1299, and it reads as follows:

The Committee on Civil Service, to whom was referred the bill (S. 2201) to provide for health programs for Government employees, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the bill is to provide for promoting and maintaining the physical and mental fitness of employees of the Federal Government. To carry out these purposes the heads of departments and agencies would be authorized, within the limits of appropriations made by the Congress, to establish health programs for their employees. Services provided under such programs shall be

limited to treatments of minor illnesses and dental conditions and emergency cases of injury or illness sustained by an employee in the performance of his duty; preemployment and other examinations; referral of employees to private physicians and dentists; and education and preventive programs relating to health.

The Civil Service Commission is designated as the coordinating agency in the development of such services, and programs shall be established only upon recommendation of the Commission after consultation with the Public Health Service.

The enactment of this legislation has been recommended by the Civil Service Commission, the Public Health Service, the Bureau of the Budget, and a number of other Federal agencies.

I may say that such services have already been set up in many governmental agencies; and, as I have stated, such services are maintained here in Congress, as well as in other governmental agencies.

The VICE PRESIDENT. Objection being heard, the bill will be passed over.

ESTABLISHMENT OF DISTRICT OF COLUMBIA AS A JUDICIAL CIRCUIT

The bill (H. R. 5518) to amend section 119 of the Judicial Code, was considered, ordered to a third reading, read the third time, and passed.

REGISTRATION AND PROTECTION OF TRADE-MARKS

The Senate proceeded to consider the bill (H. R. 82) to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes, which had been reported from the Committee on Patents, with amendments.

The first amendment was, on page 5, in line 1, after the words "use of the", to strike out "goods", and insert "marks."

The amendment was agreed to.

The next amendment was, on page 16, after line 1, to insert "This subsection shall not be subject to the provisions of section 13 of this act."

The amendment was agreed to.

The next amendment was, on page 16, line 7, after the word "register", to insert "or any Government agency which believes that the public interest will be adversely affected."

The amendment was agreed to.

The next amendment was, on page 16, line 12, after the word "registered", to insert "except that the fee and verification herein provided for shall not be required of any Government agency."

The amendment was agreed to.

The next amendment was on page 17, in line 1, after the word "fee", to insert "or any Government agency which believes that the public interest is or will be adversely affected may without the payment of fee."

The amendment was agreed to.

The next amendment was, on page 21, after line 16, to insert:

The Commissioner of Patents shall not be a necessary party to an inter partes proceeding under Revised Statutes 4915, but he shall be notified of the filing of the bill by the clerk of the court in which it is filed and the Commissioner shall have the right to intervene in the action.

The amendment was agreed to.

The next amendment was, on page 23, in line 24, after the word "register", to strike out "he may at any time apply to the Commissioner to cancel such registration," and insert "or whenever any Government agency believes that the public interest is adversely affected petition to cancel such registration may be filed with the Commissioner at any time."

The amendment was agreed to.

The next amendment was, on page 24, line 23, after the figure "42", to insert "(b)."

The amendment was agreed to.

The next amendment was, on page 25, in line 3, to strike out:

Sec. 28. Registration on the supplemental register or under the Act of March 19, 1920, shall not be filed in the Department of the Treasury or be used to stop importations.

The amendment was agreed to.

The next amendment was, on page 25, in line 20, after the word "registration," to strike out the colon and the words: "Provided, however, That the foregoing requirement as to notice shall be deemed fulfilled in respect to a registered mark used in connection with goods or services of foreign origin if the mark as used is accompanied by the notice of registration used in the country of origin of the goods or services to denote registration there."

The amendment was agreed to.

The next amendment was, on page 30, after line 6, to strike out:

(3) If goods bearing a registered mark have been put on the market by or with the authority of the registrant of a registered mark or in any package or other container bearing said mark and a notice that the goods may be resold only unaltered or unrenovated or in the original package or container and said goods or any part thereof have, without the authority of the registrant, been transferred to another package or container or been in any way altered or renovated, any person who shall, in commerce, make any use of or reference to said registered mark upon or in connection with the sale or advertising of such transferred or altered or renovated goods shall be liable to a civil action by the registrant for any or all of the remedies herein-after provided.

The amendment was agreed to.

The next amendment was, on page 32, after line 11, to insert:

(6) That the mark whose use is charged as an infringement was registered and used prior to the publication under subsection (a) or (c) of section 12 of this act of the registered mark of the registrant, and not abandoned: *Provided, however,* That this defense shall apply only where the said mark has been published pursuant to subsection (c) of section 12 and shall apply only for the area in which the mark was used prior to the date of publication of the registrant's mark under subsection (a) or (c) of section 12 of this act.

Mr. McKELLAR. Mr. President, I should like to ask the Senator from Florida about the bill. It seems that there are a great many pages to it. Does it generally go over the patent law?

Mr. PEPPER. No; it relates only to the trade-mark law.

Mr. McKELLAR. Does it make changes in the trade-mark law?

Mr. PEPPER. It does make some changes. I should like the Senator to know that Mr. Fritz Lanham, for whom

I know the Senator has such high regard, met with the Committee on Patents several times. The House has passed the bill three times. The Senate committee reported it favorably last year, but it was not reached in time to be passed during the last session. Recently we held hearings on the bill.

Mr. McKELLAR. What changes would the bill make in the trade-mark law?

Mr. PEPPER. The bill is somewhat of a recodification of the trade-mark law, let me say to the Senator.

Mr. McKELLAR. That is the point about which I was thinking. If it is a recodification of the entire trade-mark law, should it not be taken up at some other time, rather than now, under the 5-minute rule? The trade-mark law is very important. If the bill makes important changes—and from the fact that the clerk has been reading an amendment on page 32, I judge that it does—and if it is a recodification of all the trade-mark law, I ask the Senator if he will not allow its consideration to go over until some other time, when it can be discussed at greater length.

Mr. HAWKES. Mr. President, if the Senator will yield to me, I should like to make an explanation to the Senator from Tennessee. When he understands what the committee has gone through and that the bill has been before Congress for 6 years and that practically every essential feature of the bill, except the few amendments, has been approved by the House of Representatives twice and has been approved by the Senate twice, I think the Senator will not object to its present consideration. In other words, Mr. President, the bill was almost passed by the Senate during the last Congress, but at the last moment was sent back to committee for a simple amendment, and therefore did not become law.

When I tell the Senator from Tennessee that the bill will not become effective for a whole year after it is passed, and that any amendment which he or any other Senator may think is necessary can be taken up in the next session of Congress without any difficulty, I am sure he will not object to the present consideration of the bill.

I should like to read to the Senator a statement contained in the hearings on the bill, which refers to the things the bill will accomplish. It will take me only a minute or two to read it:

1. To put all existing trade-mark statutes in a single piece of legislation.

2. To carry out by statute our international commitments to the end that American traders in foreign countries may secure the protection to their marks to which they are entitled. Although it has solemnly pledged at inter-American conventions to do so, the United States has failed adequately to protect owners of trade-marks in the other American countries doing business with this country. As a result of this inaction our business organizations have not received reciprocal advantages in the other Americas. The bill remedies this matter, eliminates these sources of friction with our Latin-American friends, and will facilitate mutual trade in this hemisphere. These features make this bill of primary importance now.

3. To modernize the trade-mark statutes so that they will conform to legitimate present-day business practice.

Line
16

am anxious to complete action on the legislation and send it to the President for his signature.

Mr. PLUMLEY. Mr. Speaker, will the gentleman yield?

Mr. BRADLEY of Pennsylvania. I yield to the gentleman from Vermont [Mr. PLUMLEY].

Mr. PLUMLEY. All I care to say is that I am not so concerned about the matter of rank or who holds the job except I do want to impress upon this Congress that the people of this country who interested us in the bill have a right to feel that religious aid and comfort will be given their sons and their daughters who happen to be members of the United States Navy.

I have absolute confidence that those in high command in the Navy who have directed the amendment as made will see to it that the wishes of the people are conserved.

Mr. Speaker, I have no objection to the amendment.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes today at the conclusion of any special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PAYMENT TO CERTAIN GOVERNMENT EMPLOYEES FOR ACCUMULATED OR ACCRUED ANNUAL LEAVE

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4918) to provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service, with Senate amendments thereto, and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 2, line 5, after "service", insert "or in or under the government of the District of Columbia."

Page 2, line 11, strike out "The" and insert "In the case of reemployment in the Federal service the."

Page 2, line 13, after "Receipts", insert "and in case of reemployment in or under the government of the District of Columbia the sum so refunded shall be covered into the Treasury to the credit of the District of Columbia."

Page 2, line 14, after "regarded", insert "except for purposes of taxation."

Page 2, strike out line 23 and insert "shall be paid, upon the establishment of a valid claim therefor, in the following order of precedence:

"First, to the beneficiary or beneficiaries, if any, lawfully designated by the employee under the retirement act applicable to his service;

"Second, if there be no such designated beneficiary, to the estate of such deceased employee."

Page 3, line 7, after "regarded", insert "except for purposes of taxation."

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the Senate amendments?

Mr. RAMSPECK. Mr. Speaker, the principal amendments are two. One makes certain we are not exempting from taxation money which would be received for the accumulated leave. The other is instead of having the money paid in case of death to the estate alone it shall be first paid to a named beneficiary if the employee has already designated one under the Retirement Act and, if not, then it will be paid to the estate of the deceased employee.

Mr. MARTIN of Massachusetts. Is there any vital change in the tax structure?

Mr. RAMSPECK. Not at all. The Senate amendment makes it certain that it does not change the tax feature. In other words, it preserves the right to tax the money.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

NATURALIZATION OF PERSONS NOT CITIZENS WHO SERVE HONORABLY IN THE MILITARY OR NAVAL FORCES

Mr. ALLEN of Louisiana. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 1284) relating to the naturalization of persons not citizens who serve honorably in the military or naval forces of the United States during the present war, with Senate amendment thereto, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 1, strike out all after line 2 over to and including line 2, page 2, and insert "That section 701 of the Nationality Act of 1940 (56 Stat. 182-183; 8 U. S. C. 1001), as amended, is amended—

"(a) By striking out 'who, having been lawfully admitted to the United States, including its Territories and possessions, shall have been at the time of his enlistment or induction a resident thereof' and inserting in lieu thereof the following: 'Who shall have been at the time of his enlistment or induction a resident thereof and who (a) was lawfully admitted into the United States, including its Territories and possessions, or (b) having entered the United States, including its Territories and possessions, prior to September 1, 1943, being unable to establish lawful admission into the United States serves honorably in such forces beyond the continental limits of the United States or has so served'.

"(b) By inserting after the words 'no declaration of intention' the following: ', no cer-

tificate of arrival for those described in group (b) hereof."

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the amendment?

Mr. ALLEN of Louisiana. I will be happy to do so. This bill passed the House twice, in late 1942 and on April 5, 1943. The bill is designed to facilitate the naturalization of men in the armed services. The Second War Powers Act authorized the naturalization of men in the armed services, but it did not do away with the question of lawful admission, and this bill seeks to cure that defect. We have many men in the armed services who cannot establish the fact that they came to this country lawfully.

The Senate restricted the House bill by making the benefits of this bill apply only to those who came here after September 1, 1943, and only to those who are serving outside the continental United States.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Gatlin, one of its Clerks, announced that the Senate disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3961), entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes."

The message also announced that the Senate insists upon its amendments to the foregoing bill disagreed to by the House; asks a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. OVERTON, Mr. BAILEY, Mrs. CARAWAY, Mr. CLARK of Missouri, Mr. BILBO, Mr. JOHNSON of California, Mr. VANDENBERG, Mr. BREWSTER, and Mr. BURTON to be the conferees on the part of the Senate.

EXTENSION OF REMARKS

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. McMURRAY] be given permission to extend his remarks in the RECORD and include an address notwithstanding the fact that the matter is in excess of two pages. The estimate of the Public Printer is 2 2/3 pages at a cost of \$138.80.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. ENGEL of Michigan. Mr. Speaker, I ask unanimous consent to extend

my remarks in the RECORD and include a letter I received from the National Music Camp in my district.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD following the debate on the reorganization resolution and include a statement by Mr. Wilcox.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

[The matter referred to appears in the Appendix.]

OLIVER N. KNIGHT

Mr. KEOGH submitted the following conference report and statement on the bill (S. 1827) for the relief of Oliver N. Knight:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1827) for the relief of Oliver N. Knight, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

Omit the matter proposed to be inserted by the amendment of the House, restore the matter proposed to be stricken out by the amendment of the House, and on page 1 of the Senate bill, lines 7, 8, and 9, strike out "for the destruction of the residence of the said Oliver N. Knight and of all the money and personal property therein contained and".

And the House agree to the same.

EUGENE J. KEOGH,

JOHN JENNINGS, Jr.,

Managers on the part of the House.

ALLEN J. ELLENDER,

E. V. ROBERTSON,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses, on the amendment of the House, to S. 1827, for the relief of Oliver N. Knight, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying report.

The bill as passed the Senate appropriated to Oliver N. Knight \$20,442.16 for the death of his wife and three children as the result of an airplane in the service of the United States Navy crashing into his residence on September 13, 1943.

The House increased the amount to \$22,992.16, and at the conference a compromise of \$20,442.16 was agreed upon.

EUGENE J. KEOGH,

JOHN JENNINGS, Jr.,

Managers on the part of the House.

Mr. KEOGH. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill S. 1827.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KEOGH. Mr. Speaker, I ask unanimous consent that the statement on the part of the managers be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

The conference report was agreed to.

A motion to reconsider was laid on the table.

MR. AND MRS. SEBASTIAN EGER

Mr. KEOGH. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 976) for the relief of Mr. and Mrs. Sebastian Eger, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 1, line 6, strike out "\$2,000" and insert "\$1,000."

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

A. L. RINKENBERGER AND JOHN FLOORING

Mr. KEOGH. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 2066) for the relief of A. L. Rinkenger and John Flooring, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 1, line 6, strike out "\$5,000" and insert "\$2,500."

Page 1, line 7, strike out "\$10,000" and insert "\$7,500."

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

MARY AGNES LICHTFELD DROPPelman

Mr. KEOGH. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3645) for the relief of Mary Agnes Lichtfeld Droppelman, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Amend the title so as to read: "An act for the relief of Mary Agnes Lichtfeld Droppelman and Fred J. Lichtfeld and Josephine Lichtfeld."

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

LAVERNE WHIPPLE

Mr. KEOGH. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3400) for the relief of LaVerne Whipple, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "\$4,500" and insert "\$3,000."

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

P. E. BRANNEN

Mr. KEOGH. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 4101) for the relief of P. E. Brannen, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "\$3,626.30" and insert "\$4,195.06."

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

MRS. JULIA TOLER

Mr. KEOGH. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 4367) for the relief of Mrs. Julia Toler, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 1, line 6, strike out "\$3,000" and insert "\$3,500."

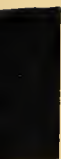
The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, this amendment apparently is an increase. Is it not rather unusual for the Senate to increase House bills? Therefore, I am a little bit suspicious. Will the gentleman explain the amendment?

Mr. KEOGH. This bill passed the House appropriating the sum of \$3,000 to Mrs. Toler in full settlement for all claims against the United States for the death of her minor daughter, who had been struck by a United States Army

Dec

21.



[PUBLIC LAW 525—78TH CONGRESS]

[CHAPTER 632—2D SESSION]

[H. R. 4918]

AN ACT

To provide for the payment to certain Government employees for accumulated or accrued annual leave due upon their separation from Government service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever any civilian officer or employee of the Federal Government or the government of the District of Columbia is separated from the service or elects to be paid compensation for leave in accordance with the Act of August 1, 1941, as amended by the Act of April 7, 1942, or section 4 of the Act of June 23, 1943, he shall be paid compensation in a lump sum for all accumulated and current accrued annual or vacation leave to which he is entitled under existing law. Such lump-sum payment shall equal the compensation that such employee would have received had he remained in the service until the expiration of the period of such annual or vacation leave: *Provided*, That if such employee is reemployed in the Federal service or in or under the government of the District of Columbia under the same leave system prior to the expiration of the period covered by such leave payment, he shall refund to the employing agency an amount equal to the compensation covering the period between the date of reemployment and the expiration of such leave period, and the amount of leave represented by such refund shall be credited to him in the employing agency. In the case of reemployment in the Federal service the sum so refunded shall be covered into the Treasury as "Miscellaneous Receipts", and in case of reemployment in or under the government of the District of Columbia the sum so refunded shall be covered into the Treasury to the credit of the District of Columbia: *Provided further*, That the lump-sum payment herein authorized shall not be regarded, except for purposes of taxation, as salary or compensation and shall not be subject to retirement deductions.

SEC. 2. Upon the death of any civilian officer or employee of the Federal Government, or the government of the District of Columbia, compensation for all of his accumulated and current accrued annual or vacation leave in a lump sum equal to the compensation that such employee would have received had he remained in the service until the expiration of the period of such annual or vacation leave shall be paid, upon the establishment of a valid claim therefor, in the following order of precedence:

First, to the beneficiary or beneficiaries, if any, lawfully designated by the employee under the retirement Act applicable to his service;

Second, if there be no such designated beneficiary, to the estate of such deceased employee.

SEC. 3. That all accumulated and current accrued leave be liquidated by a lump-sum payment to any civilian officer or employee of the

Federal Government or the government of the District of Columbia in cases involving transfer to agencies under different leave systems. Such lump-sum payment shall equal the compensation that such employee would have received had he not been transferred until the expiration of the period of such leave: *Provided*, That the lump-sum payment herein authorized shall not be regarded, except for purposes of taxation, as salary or compensation and shall not be subject to retirement deductions.

SEC. 4. The provisions of sections 1 and 2 of this Act shall not apply to officers and employees of the Panama Canal and Panama Railroad on the Isthmus of Panama.

Approved December 21, 1944.

Parker
Lam.
529.

